

An AI(artificial intelligence) * analysis of the transcript created at the session:
Minutes - Matter 9 Issue 1, 2, & 3 - Climate Change, Water & Health on Wednesday 14th Jan 2026

These are structured minutes drawn from the transcript, focusing on climate change, water and health, with emphasis on key statements, disagreements, actions and risks.

1. Meeting details

- **Examination:** South Tyneside Local Plan – Matter 9 (Issues 1, 2 and 3: Climate Change, Water, Health)
- **Date:** Wednesday 14 January 2026 (afternoon session)
- **Chair:** Planning Inspector David Spencer (appointed by the Secretary of State)
- **Purpose:**
 - Examine borough-wide policies on climate change, water (flood risk, water quality, foul water) and health.
 - Test whether policies are sound (positively prepared, justified, effective and consistent with national policy).

Attendees (as recorded)

- **Inspector / Programme Officer**
 - David Spencer – Planning Inspector.
 - Annette Fenny – Independent Programme Officer.
- **South Tyneside Council team**
 - Paul Shederevian KC – Counsel for the Council.
 - Matt Clifford – Senior Planning Policy Officer.
 - Claire Rockliffe – Natural Environment Manager.
 - Jeff Horseman – Team Manager, Development Management.
 - Lee Nicholson – Senior Environmental Protection Officer / Lead Local Flood Authority representative.
 - (Later) Deborah Lamb – Operations Manager, Spatial Planning.
 - (Later) Rian Lavick – Planning Policy Officer.
 - (Later) David Nim – CP Viability (viability testing consultant).
 - (Later) Michael Hazy – Senior Carbon Reduction Officer.
- **Developer / housebuilder interests**
 - Chris Martin – Home Builders Federation.
 - Dominick (Pegasus Group) – representing Bellway Homes.
 - Jack Conroy – SS Planning, representing Laverick Hall Farm Ltd and Durham Cathedral.
- **Community / local representatives**
 - Cllr Rachel Taylor – Councillor, attending in private capacity.
 - Dave Green – Save the Fellgate Green Belt Working Group.
 - Bob Latimer – Retired mechanical engineer, campaigner from Whitburn.
 - Steve Deville – Vice Chair, Whitburn Neighbourhood Forum.
 - Cllr Dave Herbert – Councillor for Green Point (South Tyneside).

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2. Summary of key statements and agreed points

2.1 Process, scope and evidence

- The Inspector confirmed that the examination covers the submitted South Tyneside Local Plan (submitted March 2024) and representations from the 2024 consultation plus later hearing statements.
- Matter 9 is dealing with borough-wide policies on:
 - Flood risk and water environment (Issue 2).
 - Water quality and foul water (Policies 9–11, 10 in particular).
 - Climate change and healthy communities (Issue 1 and related policies).
- New evidence accepted into the examination and considered relevant includes:
 - Revised Statements of Common Ground (SoCG) with the Environment Agency (EA) and Northumbrian Water.
 - A legal opinion submitted by Mr Latimer (Bob Latimer) on wastewater/sewage issues.
 - Final reports from the Office for Environmental Protection (OEP) into the EA's performance on urban wastewater regulation.
 - The Witburn Lodge appeal decision and associated costs decision.

2.2 Flood risk and Policy 7 (flood risk and water management)

- **Council evidence on flood risk**
 - A Level 1 Strategic Flood Risk Assessment (SFRA) was completed in 2022, with detailed mapping of flood risk from all sources.
 - A Level 1 SFRA Addendum (2023) assessed Port of Tyne sites considered for allocation.
 - A Level 2 SFRA for Port of Tyne sites (2024) concluded all available sites there can be developed safely subject to further work.
 - The sequential test was updated in 2024 and shows proposed housing and economic allocations pass the test.
 - Port of Tyne allocations triggered Level 2 SFRA work, which had a positive outcome and led to a small reduction in employment land supply where necessary.
 - The Environment Agency has supported the Level 2 SFRA as evidence in the Local Plan (SoCG).
- **Policy 7 – approach to culverting and building over watercourses (criterion 6)**
 - Policy 7 includes a presumption against culverting or building over watercourses.
 - The Council justified this by reference to the Planning Practice Guidance (PPG) and adverse impacts of culverting (flood risk, ecology, human health and safety, amenity).
 - The Lead Local Flood Authority (LLFA) (Lee Nicholson) confirmed their starting position is to avoid culverting in line with PPG but accepted that the policy wording may have been too rigid, especially for site access.
 - Council/LLFA indicated willingness to modify criterion 6 to allow culverting **for site access** where agreed with the LLFA and supported by a Flood Risk Assessment (FRA) and maintenance plan, provided modern drainage standards are met.

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- **Policy 7 – nature-based solutions (criterion 9)**
 - Criterion 9 promotes greater use of nature-based solutions using a catchment approach.
 - Council proposed a modification to introduce flexibility: “where appropriate” (or similar wording) into this criterion.

- **Environmental and flood risk dataset use**
 - The plan prioritises Sustainable Drainage Systems (SuDS) and keeping surface water out of the combined sewer network.
 - The Inspector noted that the SFRA and sequential test methodology have been agreed with the Environment Agency and that flood zones and risk designations can change sharply between areas due to local topography and modelling.

2.3 Water quality, SuDS and foul water (Policies 9, 10, 11)

- **Policy 9 – Sustainable Urban Drainage Systems (SuDS)**
 - Policy 9 requires SuDS on major development and seeks separation of surface water from the combined sewer, helping to reduce Combined Sewer Overflows (CSOs) in extreme rainfall.

- **Policy 10 – disposal of foul water**
 - Policy 10 sets a foul water disposal hierarchy and recognises sewer capacity as a material consideration in the supporting text (paragraph 7.59).
 - Council’s position:
 - Policy 10 is part of a wider framework including Policies 5 (energy and water efficiency) and 9 (SuDS).
 - Water efficiency in buildings reduces flows into the sewer; policy 5 requires major developments to submit a sustainability statement including wastewater management.
 - The Council has liaised with Northumbrian Water and established that there is capacity to support allocations in the Local Plan.
 - Whitburn Lodge appeal confirms that foul/wastewater capacity is largely governed by separate regulatory regimes and that planning decisions should focus on use of land rather than processes/emissions (NPF paragraph 188/194 context).

- **Policy 11 – protection of water quality**
 - Policy 11 seeks to maximise opportunities for nature-based solutions and biodiversity/ecology improvements to protect water quality.
 - Council argued that:
 - Part 2 (maximising nature-based solutions) is consistent with the European Water Framework Directive, retained in UK law, and does not need qualifying with “where practical/appropriate”.
 - Policy 11 helps ensure appropriate provision of infrastructure and measures to protect water quality across surface waters, groundwater and coastal waters, aiming for good ecological status and preventing deterioration, in line with the Northumbria River Basin Management Plan and NPPF paragraph 185.

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2.4 Climate change policies (SP15 and Policy 5 – high level)

- SP15 (strategic climate change policy) and Policy 5 (reducing energy consumption and carbon emissions) were considered in the latter part of the session.
- Council view:
 - The plan must balance meeting housing and infrastructure needs with tackling climate change.
 - Developments complying with building regulations (including future changes such as the Future Homes Standard) will be considered policy compliant; the Council would support schemes going further but does not mandate exceeding building regulations.
 - The supporting text references the Future Homes Standard to maintain flexibility as regulations change.
- Viability evidence (David Nim):
 - Viability testing has considered the cost implications of the Future Homes Standard and similar energy efficiency measures.
 - He emphasised that improved energy standards have market value and costs may be passed to purchasers rather than simply eroding viability, and referred to the Future Homes Standard Impact Assessment (Dec 2023) in support.

3. Topics of disagreement or conflict

3.1 Culverting / building over watercourses (Policy 7)

- **Council / LLFA**
 - Position: presumption against culverting is justified and consistent with national policy, with limited exception for site access subject to LLFA agreement and FRA.
- **Developers (e.g. Jack Conroy, Pegasus/Bellway)**
 - Position: policy should allow site-specific contextual assessment and flexibility to enable necessary crossings for vehicular access.
 - Example: SP8 site where vehicular access from Mill Roundabout would require crossing the Monkton Burn.
- **Community (e.g. Dave Green, Save the Fellgate Green Belt)**
 - Position: concerned that flexibility on culverting could allow developers to “build over” multiple culverted streams on green belt sites, posing serious flood and safety risks.
 - Argues that many green belt sites have culverts and unknown underground streams, so building over them would be “life-threatening”.

3.2 Sewer capacity, Whitburn / Henden system and Policy 10

This is the main area of conflict.

- **Council / Counsel (Paul Shederevian KC)**
 - Rely on national policy that planning should assume environmental permitting and water regulation regimes operate effectively.

- Accept public concern about past failures by Northumbrian Water, EA, Defra and Ofwat, but emphasise:
 - Northumbrian Water has confirmed no objections to development in the plan and says there will be capacity for projected growth.
 - Ofwat has taken enforcement action, Northumbrian Water has accepted contraventions and given undertakings under section 19 Water Industry Act 1991 including £15.7m additional investment to reduce spills, funded by the company/shareholders.
 - Given those undertakings, the Council considers it is **not on notice** to launch its own parallel investigation into network capacity or to embed such a requirement in policy.
- Council strongly resists any policy that would require the LPA to undertake independent investigations of sewage capacity for each major development, arguing:
 - The wastewater regulatory regime is technically complex and data-intensive.
 - Such a policy would impose a disproportionate burden on resources, delay necessary development and undermine plan effectiveness.
- However, Council is willing to clarify in supporting text (para 7.59) that it will consult Northumbrian Water on capacity for major developments (even though NWL is not a statutory consultee).
- **Whitburn Neighbourhood Forum / campaigners (Mr La(vel), Mr Latimer, others)**
 - Argue that policies 10 and 11 are **not based on proportionate, robust or up-to-date evidence**; they say the Council's sewer capacity update is misleading and contested by un-published rebuttal evidence.
 - Alleged failures in duty to cooperate (no constructive, active, ongoing engagement) with Sunderland City Council, EA, Ofwat, Defra and OEP on cumulative sewage impacts and policy approach.
 - Specific points of disagreement:
 - No meaningful engagement on:
 - ♣ Ofwat decision notice and undertakings on Henden–Whitburn system (June 2025).
 - ♣ OEP's December 2025 findings that EA had unlawfully failed to properly apply the 1994 Urban Waste Water Treatment Regulations.
 - ♣ 2025 storm overflow assessment framework guidance.
 - Assert that the regulatory system has failed for Whitburn/Hendon; therefore planning cannot simply assume it works and must take a more precautionary stance.
 - Claim that Northumbrian Water has failed to produce key plans (wastewater treatment works plan, network flow compliance plan, additional Whitburn study) by dates agreed with Ofwat.
 - Argue that evidence presented to the Whitburn Lodge appeal was factually incorrect and should have been challenged by the Council.
 - Rely on Countryside Alliance v Herefordshire Council (pig farm / manure case) to argue that where regulatory regimes have clearly failed, planning **must not** assume no environmental harm and may depart from NPPF paragraph 194.
 - Contend that there should either be:
 - ♣ A moratorium on development in the Whitburn catchment until compliance with the Urban Waste Water Treatment Regulations is secured, or
 - ♣ A much stronger borough-wide or Whitburn-specific policy requiring robust analysis and controls.

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- **Alternative wording proposed (Whitburn Forum / Mr La(vel))**
 - Earlier position (Whitburn Neighbourhood Plan WP12) sought “rigorous analysis” of sewer capacity; Council now objects to “rigorous” as too subjective, despite accepting it in the made Neighbourhood Plan.
 - New proposed detailed policy for Whitburn sewer catchment, including:
 - No new development permitted in Whitburn, Cleadon and Boldon catchment unless an **independent and verifiable planning assessment** demonstrates adequate sewer and drainage infrastructure.
 - Assessment must show development would not harm local watercourses or coastal waters by sewage or other pollution, nor cause problems for existing or future residents.
 - Joint assessment between LPA, EA and Northumbrian Water, covering treatment and dry weather flow capacity at Henden WwTW (and, if necessary, Howdon and other consents), ensuring compliance with the Urban Waste Water Treatment Regulations.
 - Assessment must identify additional cost-beneficial interventions (consistent with BCR principles) in line with Environment Agency’s Storm Overflow Assessment Framework 2025.
 - Draft assessment to be published for public consultation before finalisation.
 - Where WwTW is close to capacity or upgrades are needed to meet regulations, LPA to use phasing and Grampian conditions so development only proceeds with required upgrades.
 - Development permitted only where surface water drainage does not increase runoff or cause adverse impacts on neighbouring properties or environment.

- **Mr Latimer’s position (Whitburn campaigner)**
 - Argues that:
 - The Whitburn system was found non-compliant by the European Court of Justice in 2012 and remains non-compliant; 2023 saw over 1 million tonnes of untreated sewage spilled at Whitburn, the worst year on record.
 - About 300,000 tonnes of sewage were pumped back into foul sewers in 2020, showing no spare capacity.
 - EA and Northumbrian Water have been found by Ofwat/OEP to have acted unlawfully or in breach of permits; thus they are “discredited” as evidence sources.
 - He alleges Northumbrian Water tried to pay him to stop raising concerns in the 1990s, and that they are driven by profit.
 - Several overflows at Henden and along the River Tyne operate for hundreds or thousands of hours per year; he describes the river as “nothing more than an open sewer”.
 - Policy 10, as drafted, gives “licence” for more sewage discharges by failing to impose independent verification requirements; he believes the Local Plan should not proceed until the entire South Tyneside sewer system is investigated and brought into compliance with the Urban Waste Water Treatment Directive and Regulations.

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- **Other community views (e.g. Dave Green)**

- Supports Whitburn campaigners' stance and argues similar sewage capacity and pollution issues apply to Fellgate (SP8) and other green-belt housing sites.
- Suggests that until the 5-year plan for Northumbrian Water is completed, further building should be stopped and the Local Plan put on hold.

3.3 Climate change / water efficiency standards

- There is no strong voiced conflict recorded, but some ambiguity remains around:
 - Whether the plan should require exceeding building regulations on water efficiency (e.g. optional tighter water standards vs baseline 125 l/p/d).
 - The Inspector signalled that Policy 5 may need clearer wording on whether it is just following building regulations or encouraging/expecting higher performance.

4. Key actions and responsibilities

4.1 Flood risk and Policy 7 modifications

1. Clarify and draft modification to Policy 7, criterion 6 (culverting)

- **Action:** Prepare revised wording to:
 - Retain the general presumption against culverting or building over watercourses.
 - Explicitly allow culverting **for site access/crossings only**, subject to LLFA agreement, FRA demonstrating no adverse impacts, and a maintenance plan for the lifetime of the development.
- **Responsible:** South Tyneside Council policy team (Matt Clifford / planning officers) with input from LLFA (Lee Nicholson) and legal team.
- **Follow-up:** Revised text to be submitted to the Inspector as a draft main modification for his consideration.

2. Finalise modification to Policy 7, criterion 9 (nature-based solutions)

- **Action:** Confirm and present precise wording adding flexibility (e.g. "where appropriate") to criterion 9 on nature-based, catchment-based solutions.
- **Responsible:** South Tyneside Council policy team.

4.2 Sewer capacity, Whitburn/Henden and Policy 10

3. Consider changes to Policy 10 or supporting text in Inspector's post-hearing letter

- **Action:** Inspector to reflect on:
 - Legal opinion submitted by Mr Latimer.
 - Proposed alternative wording by Whitburn Neighbourhood Forum (Mr La(vel)).
 - Council's legal submissions on proportionality and reliance on regulatory regimes.
- **Outcome:** Inspector will decide in his post-hearing letter whether any main modifications to Policy 10 (or a Whitburn-specific policy) are necessary for soundness.
- **Responsible:** Planning Inspector.

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4. Clarify approach to consulting Northumbrian Water on major development

- **Action:** Amend supporting text (para 7.59) to:
 - Make explicit that the Council will consult Northumbrian Water on sewer capacity for major developments, including allocated and windfall sites.
- **Responsible:** South Tyneside Council (policy officers / legal).

5. Review Offwat Section 19 Undertaking and £15.7m investment scope

- **Action:** Inspector to revisit Offwat documentation already on the examination website to confirm the nature and geographic focus of the £15.7m investment and its relevance to Whitburn/Henden.
- **Responsible:** Planning Inspector.

4.3 Climate change / water efficiency (Policy 5, SP15)

6. Clarify Policy 5's expectations on water efficiency standards

- **Action:** Council to consider clarifying in Policy 5 and/or supporting text:
 - Whether the plan merely expects compliance with current building regulations (125 l/p/d) or positively encourages/takes account of higher optional standards where feasible.
- **Responsible:** South Tyneside Council policy team.
- **Note:** Inspector indicated that more clarity may be needed on this point.

4.4 Procedural / programme management

7. Schedule continuation of Matter 9 Issue 1 discussions

- **Action:** Due to time limits, remaining climate change and health issues under Matter 9 to be carried over to a later session.
- **Responsible:** Programme Officer (Annette Fenny), in consultation with Inspector and parties.
- **Target:** Likely Tuesday or Wednesday of the following week, subject to availability.

5. Risks, concerns and blockers raised

5.1 Flooding, culverts and green belt sites

- **Unknown culvert locations and flood hazard (Fellgate / SP8 and others)**
 - Residents highlighted that existing estates such as Fellgate sit above a network of culverts/streams whose locations are poorly understood, creating risk if building proceeds directly over them.
 - Concern that relaxing Policy 7 to allow culverting could permit extensive building over watercourses, increasing flood risk and posing life-threatening hazards.
- **Climate-driven sea level rise and tidal flood risk (Port of Tyne / River Tyne)**
 - Cllr Herbert questioned whether EA climate projections and sea-level rise (several metres if temperatures reach 2.7–3°C) have been fully accounted for.
 - LLFA explained that EA climate predictions and tidal levels are used, typically assessing resilience over a 100-year development lifespan, and finished floor levels are set above projected climate-change levels.
 - Risk remains that if projections are underestimated, future sea level and tidal surges could exceed design thresholds.

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5.2 Sewer capacity, pollution and regulatory failure

- **Non-compliance with Urban Waste Water Treatment Regulations (Whitburn/Henden)**
 - Campaigners stressed long-standing non-compliance identified in the 2012 ECJ judgment, and OEP findings that EA failed to properly apply environmental law regarding wastewater.
 - They say this represents a systemic regulatory failure and a major risk if housing growth continues without ensuring compliance.
- **Spills and combined sewer overflows**
 - Reported volumes:
 - Over 1 million tonnes of untreated sewage spilled at Whitburn in 2023.
 - Approx. 300,000 tonnes recirculated from Whitburn back into foul sewers in one year, showing no spare capacity.
 - Multiple CSOs at Henden and along the Tyne reportedly spilling for thousands of hours per year.
 - Perceived risk: significant ongoing pollution of the River Tyne, coastal waters and local streams, and potential for sewer flooding of properties.
- **Lack of up-to-date strategic wastewater planning**
 - Northumbria River Basin Management Plan last updated 2015; since then Event Duration Monitors have generated much more data which is not yet fully reflected in strategic plans.
 - Northumbrian Water is said to have missed deadlines for wastewater treatment works and compliance plans required by Ofwat.
 - Risk: plan decisions may rely on outdated or incomplete strategic evidence.
- **Unpublished community evidence**
 - Mr Latimer submitted a detailed rebuttal of the Council's sewer capacity update in October 2025, but it has not been published on the examination website, leading to concern that key evidence is missing from the formal record.
 - This is perceived as a process and transparency risk.
- **Duty to cooperate and cumulative impacts with Sunderland**
 - Concern that there has been no effective joint working between South Tyneside and Sunderland City Council on the cumulative sewage impacts of:
 - 625 houses in South Tyneside's plan; and
 - Over 1,000 houses in Sunderland's Riverside masterplan, all feeding into the Henden–Whitburn system.
 - Risk: cumulative wastewater impacts are under-estimated and infrastructure not upgraded in time.
- **Reliability of statutory bodies and undertaker assurances**
 - OEP and Ofwat findings against EA, Defra and Northumbrian Water undermine public confidence in their assurances about capacity and compliance.
 - Community members consider it unsafe for planning decisions to rely on those assurances without independent verification.

5.3 Plan soundness and potential moratorium

- **Soundness of policies 10 and 11**
 - Campaigners argue these policies are not positively prepared, not justified by up-to-date evidence, and not effective in securing needed infrastructure; therefore they are unsound.
 - They see the absence of a stronger Whitburn-specific or borough-wide wastewater policy as a blocker to adopting the plan.
- **Calls for moratorium or delay to housing development**
 - Several participants stated that:
 - No further development should be permitted in the Whitburn catchment until a detailed plan of improvements is available and being implemented.
 - The Local Plan itself should be paused until Northumbrian Water's 5-year plan and Whitburn/Henden upgrade strategy is produced and understood.

5.4 Climate change, energy and water efficiency standards

- **Unclear policy expectations vs building regulations**
 - If the Local Plan is too loose (simply expecting compliance with building regulations), it may not drive additional local carbon and water efficiency improvements beyond national minimums.
 - Conversely, setting local standards above building regulations may have viability implications and require clear justification.
 - The Inspector indicated that lack of clarity here could pose a minor soundness risk, and asked the Council to make its expectations clearer.